

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
FEBRUARY 10, 2009**

**CALL TO
ORDER**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Marie Hickey-AuClaire, Gordon Cross, Charles Lapp, Marc Pitman, Jim Heim, and Jeff Larsen. Frank DeKort, Mike Mower, and Bob Keenan had excused absences. Dianna Broadie, Andrew Hagemeyer and Jeff Harris represented the Flathead County Planning & Zoning Office.

There were 13 people in the audience.

Cross said at the last meeting when he paid tribute to departing board member Randy Toavs, he thought the board had already paid tribute to him. He gave a history of their time together on the board. He applauded Toavs' considered judgment, outstanding sense of fair play, and the example he set to be a good planning board member. He was happy to officially recognize Toavs with a plaque from the board members thanking him for his years of service.

**APPROVAL OF
MINUTES**

Heim made a motion, seconded by Hickey Au-Claire to approve the January 13, 2010 meeting minutes.

The motion passed by quorum.

**PUBLIC
COMMENT
(not related to
agenda items)**

None.

**SIGNAGE TEXT
AMENDMENT
(FZTA 09-04)**

A request by the Planning and Zoning Office for a text amendment to the Flathead County Zoning Regulations. The proposed amendments include various changes to Section 5.11, Signs, to adopt standards for electronic signs in response to changing technologies; and Definitions, amending Section 7.18.060, Signs, to clarify changeable copy signs and billboards.

STAFF REPORT

Dianna Broadie reviewed Staff Report FZTA 09-04 for the Board.

**BOARD
QUESTIONS**

Lapp asked for clarification on why the section was in the report about new billboards, if they were not allowed.

Broadie said there was an existing section written which concerned new billboards when the county still allowed them. That section needed to be in place as a control for existing billboards if they needed to change.

Cross asked if that section governed the grandfathered billboards in the county.

Broadie said yes.

The board and Broadie discussed and clarified the two sections pertaining to billboards.

The board and staff discussed compliance of existing billboards, a recent survey of billboards, the existence of an LED billboard just north of Polson and the brightness of the signs at night. They briefly discussed Missoula's plan concerning measuring the brightness of LED signs at night, the consideration of different signs for different types of zoned areas and Kalispell's thoughts on the signs.

**AGENCY
COMMENTS**

None.

**PUBLIC
COMMENT**

Joe Parchin, Corporate Town Pump, 1800 Whitman, Butte, was involved in the policy Missoula set for LED signs. He gave a presentation including the history of Missoula's policy, safety of the signs, reduction of crime, studies concerning the top ten distractions while driving, technology which could modify the brightness of the signs, light pollution, areas for the signs, hold times for messages on the signs, animations on the signs, the signs bringing in business and the cost of advertising.

Cross said they did have other applications tonight and asked what he was suggesting.

Parchin said if the board wanted to change the brightness, change the brightness. He did not suggest regulating the hold times because that was telling the business how they had to run their business. The hold times were suggested by studies for optimum effect. The studies were conducted by people who had a whole lot more experience than the board. He asked how many members on the board had a business in town and then how many owned businesses with over 20 employees. They were not able to keep people working if they could not advertise effectively.

He was not trying to bully anyone. He was frustrated because the signs had a lot of stuff blamed on them. He wanted to make sure the board had facts.

Pitman said Parchin wanted to have signs bring in business, change the display every 2 seconds to have the drivers looking at the signs and then have the drivers go to the business.

Parchin said yes.

Pitman said that Parchin would try to tell him that the display would not be a distraction to the driver while they were driving.

Parchin said they keep the messages short. The person sitting next to the driver was more of a distraction. Were they going to start banning how many people they could have in the car because they were a distraction? The responsibility of the driver was to handle a lot of things at once. When was personal responsibility taken and when were businesses to blame?

Pitman said there were already distractions and now another one would be added.

Parchin said it was not a distraction. It was an attraction to the business.

Larsen, Heim and Parchin discussed setting a brightness limit, if more work should be done on the amendment, compromises with the signs in other cities, moving images and video versus animation.

Daniel Therrion, 797 4th Ave WN, Kalispell, thought they should differentiate between a digital billboard and electronic message center. He explained the differences and brought up the county's electronic message center at the fairgrounds.

Ron Deyle, Signs Now, 164 7th Ave WN, Kalispell, commented on the light which was shielded from the sides. He commented on the comment of too much light.

Rose Therrion, 797 Ave WN, Kalispell, clarified the study which Broadie referred to in her report. It concerned distractions in the car and outside the car it referenced hot air balloons and deer. It did not mention signs in any way.

**STAFF
REBUTTAL**

Broadie said staff was willing to talk to the industry to formulate some standards. She had been made aware of new information she did not have before. She explained farther the studies she used and why she came to the conclusions reported.

**BOARD
DISCUSSION**

Pitman suggested taking a look at reports from MT Justice Department database as far as what caused accidents locally in the state of Montana. He gave examples of reports he had seen that he thought would be helpful.

**STAFF
REBUTTAL**

None.

**MAIN MOTION
TO POSTPONE
(FZTA 09-04)
TO A TIME
CERTAIN
AFTER
WORKSHOP**

Lapp made a motion seconded by Cross to postpone FZTA 09-04 until the planning office or planning board had a workshop with the signing industry to have clarification on some of the issues raised.

**ROLL CALL TO
ADOPT TO
POSTPONE
(FZTA 09-04)
TO A TIME
CERTAIN
AFTER
WORKSHOP**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

The board and staff discussed under which criteria this text amendment would fall.

There was a brief discussion on who would be included in the workshops and notice for the workshops.

**BOA
REVOCATION
TEXT
AMENDMENT
(FZTA 09-06)**

A request by the Planning and Zoning Office for a zoning text amendment to the Flathead County Zoning Regulations. The proposed amendments include adding a new Section 2.05.030(10) to clarify the Board of Adjustments discretion in revoking a zoning variance if the terms and conditions of approval have been violated; renumbering the existing Sections in Section 2.05; and amending Section 2.06.060 and Section 2.06.100 to clarify the Board of Adjustments discretion to revoke variances and conditional use permits if terms and conditions of approval have

been violated.

STAFF REPORT

Andrew Hagemeyer reviewed FZTA 09-06 for the board.

**BOARD
QUESTIONS**

Cross said it appeared the only thing that had been done on this application over the previous one, was requiring a public cure. Otherwise, it was basically the same amendment.

Hagemeyer said yes, it was. The first amendment granted the authority, but didn't specify there needed to be a public hearing.

Cross, Pitman, and staff discussed the differences between the two applications and who the board could appeal to if they didn't like the decision.

Hickey Au-Claire asked what the procedure was to bring a CUP to a public hearing.

Hagemeyer said it was not in the zoning regulations. Staff would handle it like any other zoning complaint. He explained state statute had a procedure and summarized the procedure.

Hickey Au-Claire asked if the Board of Adjustments (BOA) denied the CUP, then the only option was to appeal to court or could they appeal back to the BOA.

Hagemeyer said they could either apply for a new CUP or appeal the decision.

Cross said the first time around for this text amendment, he did not like the fact there was no 'cure' provision where the person was given x amount of days to remedy the violation. At the same time this text amendment was originally presented, there was another text amendment #11 which said the county would attempt to get voluntary compliance within 30 days on all zoning complaints. The commissioners did not adopt that amendment.

Harris and Cross discussed at length enforcement provisions in state statute and procedures.

Heim thought the words 'at their discretion' was a broad way to look at it. The BOA definitely had the ability to give the applicant time to rectify the situation.

The board and staff discussed how much leeway the board had

to revoke the CUP, wording of the text amendment, minutes from the commissioners meeting and what gave the BOA the authority to revoke a CUP.

**AGENCY
COMMENTS**

Tara Fugina, Deputy County Attorney, explained where the authority to revoke a CUP rested with the BOA. The entity which had the authority to give permission for something also had the authority to take the permission away. She gave examples where that case was true. She questioned what the use was of granting a CUP and not having any repercussions if the conditions were not met.

Lapp and Fugina discussed under the regulations, who had the power to stop violations when they occurred and how that would be done.

Cross asked if the BOA was a proper legal authority like the county commissioners.

Fugina said yes.

The board and Fugina discussed the differences in state statute and the zoning regulations concerning the BOA's authority to revoke a CUP and how the two worked together.

**PUBLIC
COMMENT**

Tammi Fisher, 502 2nd Ave E, Kalispell, said she was uniquely qualified to speak on this amendment because she was involved in several litigations which led to this amendment. She gave a history of why this amendment was before the board. She was against the amendment and spoke at length as to why.

Pitman said a water right was a property right and they were terminated all the time when they did not follow the conditions of the permit and then they could appeal or ask for reinstatement.

Fisher and Pitman discussed if a water right rose to the same level constitutionally as a conditional use permit.

Bruce Tutvedt, 2335 West Valley Drive, said the BOA did not had the professionalism to decide if a CUP was to be revoked. Judge Kitty Curtis had the time, the clerk, court and could cross examine. He spoke at length about the judicial process and why

he felt that was a more appropriate venue to revoke a CUP. He was against the text amendment.

Russell Crowder, American Dream Montana, 2060 Lower Road, Marion, wanted to comment on the staff report, better known as the Flathead business harassment act or perhaps he should call it the kick Bruce Tutvedt's butt act. He felt the amendment basically told every business in the valley if they needed a CUP or variance, they were absolutely nuts to consider doing business in Flathead County. He went on to explain why at length. His organization was adamantly opposed to the amendment.

Gary Krueger, 805 Church Drive, Kalispell, explained why he felt the real issue with the text amendment was enforcement. He was against the amendment.

APPLICANT REBUTTAL

Harris said it was very explicit that once a conditional use permit was granted, it didn't automatically become a property right because if it was not implemented in 12 months, it went away. He cited in the regulations where that was the case. The applicant did not become vested until they met all the conditions on the permit. Once the conditions were met, then that permit runs with the land. What staff was suggesting was in the event that some of those conditions lapse, there was no mechanism in the regulations to deal with that. They suggested going to the BOA was a way to deal with that situation without going to the court system. They did not necessarily agree that it was a property right. Granting a CUP resided with the grace of the BOA, it was only after it was granted and the conditions were totally filled, and then it could be transferred. As long as those conditions were met the CUP was solid. The conditions were not met all the time and if they lapse, there needed to be a way to remedy the CUP to make it whole.

Hagemeier said staff had a policy for enforcement. He explained in detail the policy.

BOARD DISCUSSION

Pitman clarified what could be done with a revocation of a water right.

Harris and Pitman discussed what the differences would be with the revocation a CUP.

Harris explained what some conditions were on some CUPs and gave examples.

Pitman said they had similar difficulties with water rights and in

reality; the only remedy would be to go to court.

Larsen asked Pitman to clarify what he was saying. A short discussion over property rights and water rights ensued.

**MAIN MOTION
TO ADOPT
F.O.F.
(FZTA 09-06)**

Pitman made a motion seconded by Hickey Au-Claire to adopt staff report FZTA 09-06 as findings-of-fact.

**BOARD
DISCUSSION**

Cross said he was concerned about public testimony from an attorney which was almost at total odds with the staff report and the county attorney's office. He did not feel qualified to make that judgment. He said from the minutes from the last commissioner's meeting where the original text amendment was presented that Krueger was the only one who commented on that amendment during public comment, he did not think the commissioners had heard Fisher's argument. He asked if Fugina could comment on how she would refute what the board heard from Fisher.

Fugina said district court was not the only place where due process could be achieved. That was why there were lower courts and bodies which were charged with making decisions. Due process was the ability to be heard. It meant a party could not have something taken away from it without being able to refute the allegations against them. As far as the CUP being a property right, at the point the conditions were satisfied there was probably some limited property right vesting at that time. However, it was still a limited property right that was conditioned upon satisfaction of the rules set forth for having that permit. It was not a complete property right that could not be taken away.

Larsen did not think it was a good idea to have just ordinary citizens make the decision of whether or not to revoke a CUP. He did not think these people were trained at all to decide these things.

Fugina said by virtue of being on these boards, most of the members were trained more than district court judges on these particular issues. She went on to elaborate her point. She would bet a lot of judges would probably tell them 'yes, we would like you to make some of these decisions'. She did not represent that they would say that about this issue, but they were happy to have these types of boards because the recommendations of

the board were very helpful to judges as there was no way they could know everything. District judges dealt with a lot more than just property right issues. She respected Larsen's view but the BOA knew a lot more about CUPs than a jury in a district court. She thought a lot more citizens would like to have the decision in the hands of the board rather than rolling the dice with a jury.

Cross asked if this amendment did not go into effect, and if the County felt there was CUP where the conditions were not met, then the county would have to go to district court to get the CUP revoked. If the amendment was put into effect, the county would go to the BOA. The BOA would have a hearing, make a determination that the conditions weren't being met, then the permit would be revoked. Then it would be up to the citizen to then go to court to get it reinstated.

Fugina and Fisher discussed what they would do if a CUP was revoked by the BOA. Basically it would go to court for appeal and ask for a stay pending that would mean the revocation would not go into effect until the court had decided the appeal.

Cross asked for clarification.

Fugina clarified.

The board and Fugina discussed if these cases would end up in court either way.

Harris said the BOA consisted of five citizen members who listen to applications and grant variances and CUPs. A CUP was a permit with conditions. The applicant was expected to follow those conditions. If the applicant did not follow the conditions, right now, the only remedy was to go to court. If the BOA could grant the permits with conditions, they expected the conditions to be satisfied and met. When the conditions were not met, then the board was uniquely situated in understanding what the application was because they issued the permit in the first place. They had a unique knowledge that they deal best with how to go about remedying the situation or revoking it if need be.

Larsen said it might not be the same board.

The board and Harris discussed briefly the turnover of the BOA positions.

Lapp said there was no mention of how a CUP in violation could be remedied.

**SECONDARY
MOTION TO
(ADD F.O.F. # 3)**

Pitman made a motion seconded by Larsen to add finding of fact #3 to read: *The testimony from the public brings into question whether a Board of Adjustment can provide the principals of due process to a level adequate to protect the rights of property owners. The termination of a provisional use permit would be better addressed before the board.*

**BOARD
DISCUSSION**

None.

**ROLL CALL
(ADD F.O.F. # 3)**

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

Lapp said a person was still protected in court because of the process. There was no discussion point at the BOA. He elaborated. He would disagree that giving the BOA the power to revoke a CUP was in the best interest of the public.

Larsen went through his notes thoroughly with questions on how it would be administered, there was already a suitable process in place, no cure provision, didn't reference due process, the BOA had not been formally asked if they wanted the responsibility. He felt it was an insult to receive the amendment back this way. He still had the same problems with the findings of fact he did the last time it was presented to the board. He was mad he had to waste his time on this thing again in this form.

Cross asked Hickey Au-Claire if she had enough time to do research on other counties process concerning this issue.

Hickey Au-Claire asked Fisher if she had checked Gallatin county.

Fisher said she had checked their zoning regulations and there was nothing specific concerning revocations of CUPs that she saw.

Hickey Au-Claire said when she was reading through their review process if there was a violation then the zoning agent could revoke.

Hickey Au-Claire and Fisher discussed who had the power to revoke in Gallatin county and where they found the information.

Cross said they had two questions. One was whether or not the power should be vested with the BOA. The other was if the power did lay with the BOA, was the text amendment good enough. He thought they could postpone the discussion until more work had been put into the amendment and it came back in a better form. It was clear the commissioners wanted to have a public hearing and not just see the BOA revoke a CUP under old business. He thought there needed to be a lot more process so the amendment would stay on the books for a very long time and be adequate. He said it would be a waste of the board's time and staff's time to postpone and work on the amendment if the board did not want to vote for a recommendation of approval to the commissioners. He asked if the amendment would have a second public hearing in front of the commissioners.

Harris said yes.

Cross said it might be better to send the amendment on with findings of fact that the board was concerned about with their recommendation to the commissioners. If it was tabled now, he thought that was premature.

Larsen thought they should add in the findings that the BOA had never been asked to formally weigh in on this amendment.

Harris explained what had been formally explained to the BOA.

**SECONDARY
MOTION TO
(ADD F.O.F. # 4)**

Pitman made a motion seconded by Lapp to add finding of fact #4 to read: *Through testimony and board discussion, the proposed amendment should include remedies to bring a non-compliant conditional use permit into compliance with conditions of approval.*

**BOARD
DISCUSSION**

Lapp wanted to bring up the point of amendments to existing conditions of a CUP and he thought Pitman's motion fit well with that fact.

ROLL CALL
(ADD F.O.F. # 4)

On a roll call vote, the motion passed unanimously.

SECONDARY
MOTION TO
(ADD F.O.F. # 5)

Larsen made a motion seconded by Pitman to add finding of fact #5 to read: *The Board of Adjustment has not formally been presented this proposal and rendered an opinion.*

ROLL CALL
(ADD F.O.F. # 5)

On a roll call vote, the motion passed unanimously.

BOARD
DISCUSSION

Lapp felt what was lacking were examples of some conditions imposed by the BOA which may be a problem.

The board discussed briefly what some of those conditions might be.

Lapp asked about administrative CUPs and how they were handled.

Harris said he issued them as the zoning administrator and they could be appealed. He had not had any appealed, but they were typically for hardship situations or situations where there were minimal adverse affect to anyone around.

Lapp and Harris discussed if Harris had the power to pull an administrative CUP, examples of administrative CUPs, and when they could be pulled.

Cross said one of the problems he had was the BOA did not meet to revoke a CUP, they met to see if the conditions had been met. Then, if they weren't being met, they could revoke it. He said there should be a hearing to see if the conditions were being met, and if it was determined they were not being met, there was some sort of cure time and they could meet to see if they should revoke it. At that time, there should be a very clear, detailed process of what they needed follow. He said 90% of these things were small potatoes. The ones that were big potatoes were really big potatoes.

SECONDARY
MOTION TO
(ADD F.O.F. # 6)

Cross made a motion and Larsen seconded to add finding of fact #6 to read: *The text amendment in its current form does not establish a detailed process for the Board of Adjustment to follow when considering the revocation of a CUP.*

**BOARD
DISCUSSION**

Cross said in his mind, the motion was a message to the commissioners if they wanted to do this, then the process needed to be much more detailed then the amendment was now.

**ROLL CALL
(ADD F.O.F. # 6)**

On a roll call vote, the motion passed unanimously.

**SECONDARY
MOTION TO
(ADD F.O.F.)**

Larsen motioned and Lapp seconded to add finding of fact to read: This proposal as written may not meet statutory criteria #3, #5, #10, #11 and #12.

**BOARD
DISCUSSION**

Larsen read and explained the statutory criteria quoted in the motion and his reasons for the motion.

Pitman would rather see the motion under board discussion as to whether or not they recommend approval than under findings of fact.

Cross said they should look at #2 if Larsen felt that way and read the finding.

THE MOTION WAS WITHDRAWN

The board discussed finding of fact #2.

**SECONDARY
MOTION TO
(AMEND F.O.F. #
2)**

Lapp motioned and Larsen seconded to amend finding of fact #2 to read: 2. The proposed text amendment to allow the Board of Adjustment to revoke permits or variances *is may not be* consistent with all 12 of the zoning amendment criteria because *while* the Board may impose conditions to variances or conditional use permits to mitigate the impact to health and safety and if those conditions are not met, there may be impacts to public health and safety-, *there are other considerations that must be considered. Giving the Board of Authority to revoke permits or variances at a public hearing through findings of fact is promoting public health and safety.*

**ROLL CALL
(AMEND F.O.F. #
2)**

On a roll call vote, the motion passed unanimously.

**ROLL CALL TO
ADOPT F.O.F.**

On a roll call vote, the motion passed unanimously.

**MOTION TO
RECOMMEND
DENIAL
(FZTA 09-06)**

Lapp made a motion seconded by Larsen forward a recommendation of denial on FZTA 09-06 to the Board of County Commissioners.

**BOARD
DISCUSSION**

Lapp discussed enforcement of sign violations and remedies for those situations. He asked if a CUP was revoked and the applicant did not stop being in violation, then what would be done.

Harris said they would be taken to court, he presumed.

Lapp said then they fall back to what was already in place. If someone was in violation of a CUP where they would need to be taken before the BOA, then the permit didn't mean much to them and they would be taken to court anyway. He said there were a lot of different things this text amendment could affect. He gave examples of violations that could happen and the importance of a remedy period.

Pitman said whether the BOA was given the power to revoke a CUP or not, it would end up in court anyway. He didn't know if it was the right way to do things. He thought taking it to court to revoke a CUP would be the appropriate way to do things.

Heim disagreed. If at the county level they had a right to issue a CUP then it fell on the owner of the CUP to make sure they were in compliance. If the hearing process was handled on the same issue, then the body that granted the CUP should have the right to revoke it. The question that came up in his mind was if that was legal to do. The burden to go to court should be put on the holder of the CUP who was out of compliance, not the county. It should be stay in compliance with the permit or lose it. That should be done at the county level. Either get the permit in compliance or let the applicant go to court.

Larsen thought this was a case of the laws being sufficient and enforcement lacking. He pointed out where things were in place and if there was that big of a problem with enforcement, then maybe they need to get the guys who enforce it to enforce it. He didn't think they needed to make some simple process to get rid of people's CUPs. He explained further.

Hickey Au-Claire agreed with recommending denial on the text amendment. The boards were good for recommendations on

issues. She felt the BOA should make recommendations on whether a CUP was revoked and then that recommendation could be used in court. She explained why. She did not know if that board could be fair all the time.

Cross said he thought that the amendment was flawed and reiterated why he felt that way. His biggest concern was if the county had to go to court every time they wanted to revoke a CUP, some of them were for small things, then it made sense for the BOA to handle a lot of them. For every large issue CUP there were hundreds which dealt with a minor use. It would be good if those things could be handled administratively. The problem was, there were large CUP's out there and there needed to be a process to handle those. He did not think the text amendment was at a point where it could do that. He would concur and hopefully the legal issues which were brought up at this meeting would be brought up again in front of the commissioners.

**ROLL CALL TO
RECOMMEND
DENIAL
(FZTA 09-06)**

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

5 minute recess.

**COMMITTEE
REPORTS**

Hickey Au-Claire reviewed the progress Committee A had made on their mapping project and relayed the information learned as they gather information for their maps.

Cross reviewed the progress Committee B had made concerning the revision of the flood plain regulations. The committee felt it was important to post the information for 30 days, and then have workshops before information was presented at a public hearing. Then the board could move onto a hearing.

Harris explained the color coding and footnotes on the information he passed to the board concerning the revisions on the floodplain draft.

The board asked questions for clarifications on the handouts. They asked for a workshop scheduled thirty days from the posting of the draft on the planning office's website.

Cross updated the board their progress on L-T-R. He brought up one issue brought up by Citizens for a Better Flathead which concerned a restriction in the zoning regulations where it would not be able to be applied to prime agricultural land. Another big issue was increased density where your site was. He went over the comments from the workshop. The information was put on maps which showed the information and cleared up concerns. He used the maps as visual aides to clarify the information he was talking about. He went over scheduled meetings concerned with L-T-R.

OLD BUSINESS

Donna Valade, board secretary, updated the board on the video conferencing capability possibilities of the conference room.

Harris updated the board on what had been done and meetings held concerning the transportation plan. He would send the board the changes the consultants had been working on when he receives them. His question to the board was if they wanted to have another meeting with the RAC. He suggested if they wanted another meeting to wait until they had the updated information.

The board discussed if the RAC wanted to meet again or not and what steps would need to be taken before that happened.

Cross passed out a draft letter to chairman of the other three planning boards asking if they wanted to meet with the board.

Lapp asked if the city could plan outside of the city limits without running it by the county.

Harris said they had an extra territorial plan and explained what that meant.

Cross said meeting with the boards needed to be done. He brought up examples of how the boards needed to keep in contact and up to date with each other.

Lapp brought up an example of a subdivision which would not be accepted by either the city or the county.

Cross sent out an email for topics to discuss with the commissioners and asked the board for feedback.

The board and Harris discussed when and where the meeting would be. They decided to use the list Cross emailed to the members.

NEW BUSINESS

Harris passed out the calendar year '09 subdivision report and explained it to the board.

The board discussed the report.

Lapp asked if staff could give the board an example of some of the conditions on CUPs so they would have an idea of what was usual.

Harris said yes and gave examples of conditions and recounted a survey staff did concerning CUPs for the last five years and not many were in violation. Staff was preparing a report for the BOA. He also handed out the annual report for the planning department and explained it.

Cross asked about the peer review.

Harris said staff prepared an action plan taking into account the findings of the peer review, presented it to the commissioners and the office was now in the process of implementing the recommendations.

Cross thought the planning board could give advice on how to respond to situations with the public. He thought the public might have a perception that it was difficult to get anything through the planning office when looking at the subdivision report, which was not the case.

Harris appreciated the comment. The peer review team was also reviewed as to how they came up with their recommendations because this was the first peer review conducted. The hope was to make the whole thing more systematic and better. One of the major concerns raised was that they put in unfounded statements which were not validated and came across as conclusions when they were only opinions derived through the meetings.

Cross said BJ Grieve, assistant director, would now review all the staff reports. He brought up the staff reports presented tonight which were all over the map.

Harris said they had a template for subdivision reports, but the county had never had a template for zoning. Staff had a template about 80% done which would standardize the reports.

Cross asked if staff could let the board see the template before it was implemented since they would be the ones who read the reports.

Harris said yes, they would.

Heim asked about the recent emails concerning if there was a quorum for meetings.

Valade explained why she sent the emails and asked if the board had any suggestions.

The board asked if she would let them know who was coming.

She said that would be done on future emails.

ADJOURNMENT The meeting was adjourned at approximately 9:45 pm. on a motion by Heim. The next meeting will be held at 6:00 p.m. on March 10, 2009.

Gordon Cross, President

Donna Valade, Recording Secretary

*APPROVED AS SUBMITTED/***CORRECTED***: 3/10/10*